

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

AMENDED CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2020-245-E ORDER NO. 2020-109-A-H

NOVEMBER 9, 2020

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Petition of The Electric Cooperatives of South Carolina to Establish a New Docket for Purpose of Allowing Electric Cooperatives to Provide Notice of Certain Contracts as Required by S.C. Code Ann. §58-9-3030(C)(1) of the Broadband Accessibility Act (Act 175 of 2020)

MATTER UNDER CONSIDERATION:

Petition to Intervene of AT&T South Carolina

CHIEF HEARING OFFICER'S ACTION:

This amended Directive is identical to the one issued earlier, except that it contains the correct Docket Number, 2020-245.

This matter comes before the Chief Hearing Officer on the Petition to Intervene of AT&T South Carolina. The Petition is timely filed, and no objections to the intervention have been filed. AT&T South Carolina states that its Petition will neither cause any undue delay, nor prejudice any party to this Docket.

After it has been determined that the Petition has been timely filed, the next question for the Commission is to determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that a party making a Petition to Intervene in a matter pending before the SC Public Service Commission must:

set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;**
- (b) The grounds of the proposed intervention;**
- (c) The position of the petitioner in the proceeding.**

Objections to a Petition to Intervene shall be filed with the Commission within ten days of service of the Petition to Intervene. S.C. Code Ann. Regs. 103-825A(3) (2012) (emphasis added).

The position of the Petitioner in the proceeding must also be concisely and clearly stated; provided it is known. The Commission has historically allowed a petitioning party to intervene even if the party has not made a determination of its position in a

docket/proceeding provided such intervention would not cause undue delay in the proceedings or prejudice the rights of other parties.

AT&T South Carolina is a communications service provider, as defined in S.C. Code Ann. Section 58-9-3010(8), that offers communications services in various areas in South Carolina. The Commission established this Docket for the purpose of receiving notices of certain contracts from electric cooperatives pursuant to South Carolina Code Ann. Section 58-9-3030(C)(1), which is a part of the Broadband Accessibility Act (“Act”), §§58-9-3000 et. seq. *See* Order No. 2020-717 in Docket No. 2020-245-E (Oct. 21, 2020). The notice required by §58-9-3030(C)(1) is intended to provide AT&T South Carolina and other communications service providers an opportunity to conduct due diligence regarding such a contract and, if they desire, to pursue a complaint about such a contract if they believe it violates the provisions of §58-9-3030(C)(1). AT&T South Carolina states that it has an interest in receiving the notices that will be filed in this Docket.

Clearly, AT&T has satisfied all three criteria in the Commission Regulation for intervention. Its interest can clearly be ascertained, as can the grounds for its Petition, and its position in the matter. As a communications provider, AT&T is entitled to the notices contemplated by S.C. Code Ann. Section 58-9-3030(C). Also, as for grounds for intervention, it is clear that AT&T intervened in this matter in order to receive these notices. Its position is well-stated. Accordingly, the Petition to Intervene filed by AT&T South Carolina in this Docket is granted. Any parties of record or other entities that file notices or other documents in this Docket are directed to serve AT&T South Carolina with a copy of such notices or other documents. This ends the Chief Hearing Officer’s Directive.